

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jul 20, 2023**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

THOMAS-EDWARD-ELMER SMITH,

Plaintiff,

v.

SUZI CASTELO, private and professional  
capacity; LINDA MILLER SHEETS,  
private and professional capacity; STEVE  
RAMSEY, private and professional  
capacity; MICHAEL BAUMGARTNER,  
private and professional capacity; JOE  
HOLLENBACK, private and professional  
capacity; SPOKANE COUNTY; and  
STATE OF WASHINGTON

Defendants.

No. 2:22-CV-00325-SAB

**ORDER DENYING MOTION  
FOR RECONSIDERATION**

Before the Court is Plaintiff's Motion for Reconsideration of Order Granting Defendants' Motion to Dismiss Based on the Following Objections, ECF No. 61. Plaintiff is *pro se*. Defendants are represented by Casey A. Evans and Dayle Andersen, Jr. The motion was heard without oral argument.

Reconsideration is an extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources." *Kona Enterprises, Inc.*

**ORDER DENYING MOTION FOR RECONSIDERATION # 1**

1 *v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). A motion for  
 2 reconsideration may be reviewed under either Federal Rule of Civil Procedure  
 3 59(e) (motion to alter or amend a judgment) or 60(b) (relief from judgment). *Sch.*  
 4 *Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993). “A district court  
 5 may properly reconsider its decision if it ‘(1) is presented with newly discovered  
 6 evidence, (2) committed clear error or the initial decision was manifestly unjust, or  
 7 (3) if there is an intervening change in controlling law.’” *Smith v. Clark Cnty. Sch.*  
 8 *Dist.*, 727 F.3d 950, 955 (9th Cir. 2013) (quoting *Sch. Dist. No. 1J*, 5 F.3d at 1263).  
 9 “There may also be other, highly unusual, circumstances warranting  
 10 reconsideration.” *Sch. Dist. No. 1J*, 5 F.3d at 1263. Whether to grant a motion for  
 11 reconsideration is within the sound discretion of the court. *Navajo Nation v.*  
 12 *Confederated Tribes and Bands of the Yakima Nation*, 331 F.3d 1041, 1046 (9th  
 13 Cir. 2003).

14 Plaintiff did not meet the standard for reconsideration outlined in case law.  
 15 Plaintiff did not meet any of the three grounds for reconsideration outlined in  
 16 *Smith*. Therefore, this extraordinary remedy is not available, and the motion is  
 17 denied. The case remains closed.

18 Accordingly, **IT IS HEREBY ORDERED:**

19 1. Plaintiff’s Motion for Reconsideration of Order Granting Defendants’  
 20 Motion to Dismiss Based on the Following Objections, ECF No. 61, is **DENIED**.

21 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to file  
 22 this Order and provide copies to counsel and *pro se* Plaintiff.

23 **DATED** this 20th day of July 2023.



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 A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is fluid and cursive, with a horizontal line underneath it.

Stanley A. Bastian

Chief United States District Judge

**ORDER DENYING MOTION FOR RECONSIDERATION # 2**